United Nations A/63/PV.97

General Assembly
Sixty-third session

Official Records

97th plenary meeting
Thursday, 23 July 2009, 3 p.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

The meeting was called to order at 3.15 p.m.

Agenda item 57 (*continued*)

New Partnership for Africa's Development: progress in implementation and international support

(b) Causes of conflict and the promotion of durable peace and sustainable development in Africa

Draft resolution (A/63/L.61/Rev.1)

The President (*spoke in Spanish*): Members will recall that the Assembly held the high-level plenary meeting on the theme "Africa's development needs: state of implementation of various commitments, challenges and the way forward" under agenda item 57 at the 3rd and 4th plenary meetings, on 22 September 2008. Also, a joint debate was held on agenda item 57, entitled "New Partnership for Africa's Development: progress in implementation and international support", and its sub-items (a) and (b), and on agenda item 43, entitled "2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa", at the 26th, 27th and 29th plenary meetings, on 15 and 20 October 2008, respectively.

The Assembly today has before it a draft resolution that has been issued as document A/63/L.61/Rev.1. I now give the floor to the representative of the Sudan, who will speak on behalf of the Group of 77 and China to introduce the draft resolution.

Mr. Hassan (Sudan) (*spoke in Arabic*): On behalf of the delegation of the Sudan, I have the honour to address the General Assembly today on behalf of the Group of 77 and China to introduce draft resolution A/63/L.61/Rev.1 under agenda item 57, entitled "New Partnership for Africa's Development: progress in implementation and international support".

The draft resolution is primarily based on the recommendations contained in the report (A/63/212) of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa.

The draft resolution recognizes that development, peace, security and human rights are interlinked and mutually reinforcing in terms of commitment and implementation. It stresses that the responsibility for peace and security in Africa, including the capacity to address the root causes of conflict and to resolve conflicts in a peaceful manner, lies primarily with African countries, while recognizing the need for support from the international community and the United Nations. It also emphasizes the vital role played by African States and subregional organizations in peacemaking and peacebuilding, including through the Panel of the Wise, as well as mechanisms for early warning and peaceful dispute settlement and regional initiatives such as those relating to settlement and reconciliation — all in an effort to develop a comprehensive regional approach to addressing conflicts and disputes in Africa.

We hope that the draft resolution now before the Assembly will be adopted by consensus. We joined the list of sponsors at the urging of many other Member

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States, and we encourage other States that have not yet done so to follow suit.

The President (*spoke in Spanish*): The Assembly will now take action on draft resolution A/63/L.61/Rev.1, entitled "Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa".

(*spoke in English*)

I should like to announce that, since the submission of the draft resolution, Portugal and the United Kingdom of Great Britain and Northern Ireland have joined the list of sponsors.

(*spoke in Spanish*)

May I take it that the Assembly decides to adopt draft resolution A/63/L.61/Rev.1?

Draft resolution A/63/L.61/Rev.1 was adopted (resolution 63/304).

I shall now call on the representative of Sweden, who wishes to speak in explanation of position on the resolution just adopted.

Mr. Lidén (Sweden): I would like to make a short statement on behalf of the European Union.

The European Union (EU) actively supports the African Union and the African agenda for peace and development. We are fully and unambiguously committed to standing by the African continent, as demonstrated by the adoption of the Joint EU-Africa Strategy in Lisbon in December 2007. Today, the implementation of the Strategy is being actively pursued in all areas.

The search for peace on the African continent is one of the European Union's priorities. Within the framework of the African Peace Facility, the European Union has committed an additional €300 million for the period 2008-2010. Furthermore, the European Union currently has four missions deployed on the African continent as part of the European Security and Defence Policy. In addition, the European Union is Africa's principal development partner.

The European Union welcomes today's adoption of resolution 63/304 on the implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa. Rwanda and Srebrenica demonstrated that both Africa and Europe have an interest in the concept of the responsibility to protect. We look forward to the debate on the implementation of that concept, which is to follow. We also look forward to working with Africa on how to strengthen our capacity in that regard.

The President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (b) of agenda item 57 and agenda item 57 as a whole?

It was so decided.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

The President (*spoke in Spanish*): Members will recall that the Secretary-General introduced his report on the responsibility to protect (A/63/677) at the Assembly's 96th plenary meeting, on 21 July 2009.

(*spoke in English*)

The 2005 World Summit Outcome (resolution 60/1) charged the General Assembly with the task of further considering the issue of the responsibility to protect and examining its implications. As one of today's panellists, Mr. Gareth Evans, himself stated in his recent book on the subject, the concept of the responsibility to protect has the potential to evolve further into a full-fledged rule of customary international law. Whether to argue that such a norm already exists is, ultimately, up to this body to decide.

I need not remind anyone present in this forum that, in terms of the United Nations Charter, it is the General Assembly that develops international law.

This morning, the General Assembly met in an informal session to discuss — and engage some of the world's most prominent theorists and academicians in an interactive dialogue on — the responsibility to protect. We are indebted to them for honouring the United Nations with their presence and insights.

The discussion was rich and passionate, as is fitting, given that we are examining the fundamental moral and political obligations that Member States and the international community have to our fellow human beings during times of extreme need. I would encourage all those who were unable to participate in the proceedings to refer to the statements of the panellists, which will be available on the website of the presidency and on the United Nations webcast.

As I stated in my opening remarks this morning, the world has remained silent and stood still way too often in the face of gross violations of the most basic sentiments of humanity. This paralysis has resulted in such shameful situations as the Holocaust, the Khmer Rouge killing fields, the massacres in Rwanda and the former Yugoslavia, to name just a few.

As was made clear this morning, one cannot treat these events in isolation from the antecedent historical actions that precipitated them. After so much suffering, there is finally broad agreement that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity. This represents great progress. Yet there are current situations, such as in Gaza, that are in urgent need of adequate and objective characterization, as well as of the international community's responsibility to aid in their solution.

I would ask whether it was the absence of responsibility to protect that led to non-intervention in Gaza as recently as this year, or was it rather the absence of reform of the Security Council, whose veto power remains unchecked and its membership unreformed? Need I remind anyone here that we already have a genocide Convention and various conventions concerning international humanitarian law, whose implementation remains erratic?

So why do many of us hesitate to embrace this doctrine and its aspirations? Certainly, it is not out of indifference to the plight of many who suffer and may yet suffer at the hands of their own Governments. The problem for many nations, I believe, is that our system of collective security is not yet sufficiently evolved to allow the doctrine of responsibility to protect (R2P) to operate in the way its proponents intend, in view of the prevailing lack of trust in developing countries when it comes to the use of force for humanitarian reasons.

Unfortunately, the Secretary-General's report (A/63/677) argues, as we heard again and again this morning, for a continuum from strengthening States' capacity to assure human rights, in the sense of preventing R2P crimes, and diplomatic preventive measures to economic sanctions and the use of force. This may tend to discredit the concept of responsibility to protect, just as the earlier concept of humanitarian intervention was discredited and, indeed — as described by Mr. Gareth Evans this morning — buried.

The report of the International Commission on Intervention and State Sovereignty stated that the use of coercion and force could be hedged by the use of such criteria as just cause. Just cause is a reversion to the pre-United Nations Charter doctrine of the just war. Given that the General Assembly has not yet managed to agree on definitions of terrorism or aggression, it seems unlikely that it will be able to agree any time soon on definitions of just cause and right intentions.

Member States clearly hold, as I do, strong views on this issue. I believe that this morning's discussion made it clear that the most effective and just form of avoiding large-scale human suffering is certainly not by resorting to the use of military force. After this morning's discussion, the question remains: Has the time for a full-fledged R2P norm arrived, or, as most of the panellists this morning felt, do we first need to create a more just and equal world order, including in the economic and social sense, as well as a Security Council that does not create a differential system of international law geared towards the strong protecting, or not protecting, whomever they wish?

I wish the Assembly all a productive and enlightening debate.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro; as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this statement.

Almost 10 years ago, in this very Hall, Kofi Annan made a plea to the international community to try to find a new consensus, to forge unity on how to respond to mass atrocities in situations such as those in Rwanda and Srebrenica — in essence, to find a way to counter gross and systematic violations of human

rights that affect every precept of our common humanity.

At the World Summit in 2005, the international community forged such unity by agreeing upon the responsibility to protect. We collectively recognized the responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We collectively recognized the responsibility of the international community, through the United Nations, to help protect populations from such crimes.

This year, the Secretary-General delivered his first report (A/63/677) on how to implement that responsibility. The European Union warmly welcomes that important report and this debate, in which our focus should be on operationalization and implementation. The Secretary-General's report brings the concept down to the level of practical implications and forms a platform on which to build concrete measures.

From the outset, the Secretary-General is very clear on the fact that, unless Member States decide otherwise, the responsibility to protect only applies to four specified crimes and violations: genocide, war crimes, ethnic cleansing and crimes against humanity. The European Union welcomes the Secretary-General's approach in keeping the scope of the principle narrow and the range of possible responses deep.

The report describes the three pillars that together constitute the implementation of the concept: the primary responsibility of States to protect their populations, the vital role of assistance from the international community to help States to shoulder their responsibilities, and the response and responsibility of the international community when a State is manifestly failing to meet its responsibilities.

As to the first pillar, the basic principle of State sovereignty is and should remain undisputed. It should also be recognized that State sovereignty implies not only rights, but also responsibilities and obligations under international law, including the protection of human rights as an essential element of responsible sovereignty. Those obligations of States are firmly embedded in international treaty-based and customary law. One such responsibility is that of each State to protect the populations within its own borders. That comes first. The responsibility to protect necessarily encompasses the responsibility to prevent.

Turning to the second pillar, the assistance that should be made available by the international community is not only the humanitarian aid that is crucial once individuals and groups are already affected, but also, in that context and very importantly, the assistance available to help prevent manifest threats from developing and build the capacities of States to act before threats deteriorate into crises. That effort and support necessitate a longer-term perspective.

Not only the knowledge of risks, but also the capacity to act on those risks, are necessary. The link between timely information and the application of instruments that can limit those risks is underlined in the Secretary-General's report. The European Union believes that this is an area where more could be done, especially as regards the instruments for early warning, conflict prevention and crisis management. We look forward to the Secretary-General's proposal on strengthening the United Nations early warning capacity, as suggested in the report. In addition, local mediation and conflict resolution capacities are also essential elements in that process.

The third pillar reminds us that if a situation of genocide, war crimes, ethnic cleansing or crimes against humanity occurs or threatens to occur, and if a State is manifestly failing to protect its populations, the international community has a responsibility to help protect those populations and thereby also to help maintain international peace and security. It must be absolutely clear that this should, first and foremost, be discharged through diplomatic, humanitarian and other measures, such as support to capacity-building and other development activities. But if such measures would or are proving to be inadequate, enforcement measures in accordance with the United Nations Charter, through the Security Council or approved by the Security Council, should be possible, if needed.

The three pillars are parallel, not consecutive, and the concrete proposals set out in the report underline that as they focus on the first and second pillars. The European Union welcomes and supports the steps to implement the responsibility to protect set out in the report, and particularly the Secretary-General's emphasis on the responsibility of States themselves, and the importance of early prevention and of helping States build their capacity to shoulder their own responsibilities.

Mr. Cujba (Moldova), Vice-President, took the Chair.

The European Union also welcomes the way those steps are presented, without losing sight of the individual victims and the human costs of delay or recoil from the international community. We believe that the European Union and other regional organizations have important contributions to make here. Regional organizations have a multitude of relevant instruments. Capacity-building in areas of conflict prevention, development and human rights, good governance, the rule of law and judicial and security sector reform are perhaps the most obvious examples.

Moreover, we all have to be ready to assist. The principle has to be integrated into our overall normative framework. Not long ago, the United Nations and the African Union were able to support Kenya in preventing a frightening crisis from turning into the worst possible nightmare. That is an example to follow. The European Union is ready to contribute as a regional organization and global actor and to the United Nations in the efforts ahead.

Before I conclude, let me come back to what this debate is really about. It is about how to put an end to the most serious crimes that have plagued and still plague humankind. It is about finding the means and the will to stop what has been correctly labelled the recurring nightmare of mass atrocities. Our common history, including the recent past on our own continent, Europe, shows us that this is a principle of concern to all and demands our concerted efforts.

As characterized by the Secretary-General, the report at hand is the critical first step towards turning the authoritative and enduring words of the 2005 World Summit Outcome (resolution 60/1) into doctrine, policy and, most importantly, deeds. It is therefore important that the debate on the responsibility to protect here at the United Nations continue. The EU also looks forward to further and more detailed reports by the Secretary-General on the implementation by the Organization and Member States of our common responsibility. It is our duty to further operationalize that responsibility in order to create a world order in which inactivity in the face of mass atrocities becomes a thing of the past.

Mr. Abdelaziz (Egypt): It gives me pleasure to speak today on behalf of the Non-Aligned Movement (NAM) on the issue of the responsibility to protect (R2P). The Movement would like at the outset to convey its appreciation to the Secretary-General for his presentation of his report in document A/63/677, entitled "Implementing the responsibility to protect" (see A/63/PV.96), before the General Assembly on 21 July.

The establishment of the United Nations more than 60 years ago generated hopes for the restoration of human dignity and the prevention of the repetition of mass atrocities of the past that took a toll on the lives of millions of innocent people due to the lack of collective will and inaction. Unfortunately, modern and recent history is rife with incidents in which the international community was incapable of living up to its responsibility to maintain international peace and security, let alone heeding the desperate calls of civilian populations around the world, who fell victim to the heinous crime of genocide, war crimes, ethnic cleansing and crimes against humanity.

The general membership reached the common understanding in 2005, at the level of heads of State and Government, that each individual State had the responsibility to protect its populations. They stressed the need for the General Assembly to continue consideration of the responsibility to protect populations from those four crimes and their implications, bearing in mind the principles of the Charter and international law.

In that context, NAM welcomes the initiative of the President of the General Assembly to hold this general debate as an opportunity to continue the discussions on how to implement the will of the world's leaders and to ensure that where there is a will, there is a way to deter the reoccurrence of such heinous crimes.

Many elements of the Secretary-General's report have received support, based on historical national or regional experiences, as well as on the conviction that no country or region is immune to such risks. Meanwhile, mixed feelings and thoughts on implementing R2P persist. There are concerns about the possible abuse of R2P by expanding its application to situations that fall beyond the four areas defined in the 2005 World Summit Outcome, and by misusing it to legitimize unilateral coercive measures or intervention in the internal affairs of States. There are also pertinent questions about the role to be played by

each of the principal organs of the United Nations within their respective institutional mandates and responsibilities in that regard.

Those issues will have to be thoroughly addressed in any discussion on implementing the responsibility to protect. We should work to reconcile and address all the divergent concerns and viewpoints through an honest, comprehensive, all-inclusive and transparent dialogue. The General Assembly is indeed the right venue for such a dialogue.

Last week, at their fifteenth summit, held in Sharm el-Sheikh, the heads of State and Government of the Non-Aligned Movement reaffirmed that the Movement will remain guided in its endeavours by its founding principles, and reiterated their commitment to achieving international cooperation based on solidarity among peoples and Governments in solving international problems of a political, economic, social, cultural or humanitarian character.

They also reiterated the role of the General Assembly in the maintenance of international peace and security and expressed grave concern at instances wherein the Security Council fails to address cases involving genocide, crimes against humanity or war crimes. They further emphasized that in such instances where the Security Council has not fulfilled its primary responsibility for the maintenance of international peace and security, the General Assembly should take appropriate measures in accordance with the Charter to address the issue.

The 2005 World Summit Outcome provides a clear mandate and guidelines for the General Assembly. The Secretary-General's report offers some initial ideas on how to go about it and constitutes an important input for the General Assembly to continue consideration of R2P and its implications.

In order to build consensus on the way forward, there must be clarity on what needs to be done based on our agreement that each individual State has the responsibility to protect its population. Capacity-building is key in this regard in order to allow States to shoulder their responsibility and to allow the international community, under the umbrella of Chapter VIII of the United Nations Charter, to support their efforts, as necessary and appropriate, and to assist those States which are under stress before crises and conflicts break out.

The Secretary-General has rightly noted in his report and presentation that the African Union is a pioneer in implementing the responsibility to protect due to its particular historical experience. The conditions for implementation are clearly stipulated under Article 4 (h) and (j) of the Constitutive Act of the African Union, namely, in order to restore peace and security upon the request of the State and only pursuant to a decision of the Assembly of the Union. To date, the African Union has dispatched two operations, both upon the decision of its Assembly. Other regions may have developed or are in the process of developing similar or different perspectives. It would therefore be important to study the lessons learned and explore possible measures to enhance cooperation between the United Nations and regional arrangements.

Finally, as the heads of State and Government of the Non-Aligned Movement affirmed in Sharm el-Sheikh, the Movement will remain seized of and active in further deliberations of the General Assembly on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, bearing in mind the principles of the United Nations Charter and international law, including respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs and respect for fundamental human rights.

The Non-Aligned countries, therefore, will participate actively in the deliberations on this issue with a view to reaching consensus on the implementation of the contents of paragraphs 138, 139 and 140 of the 2005 World Summit Outcome.

Lord Malloch-Brown (United Kingdom): I would like to align the United Kingdom with the statement delivered by the Swedish Permanent Representative on behalf of the European Union. I am particularly pleased to be delivering the United Kingdom's statement at this debate on implementing the responsibility to protect (R2P).

The endorsement of R2P by the largest-ever assembly of world leaders was for me personally, as well as for all of us in the United Nations family, one of the most important elements of the World Summit Outcome (resolution 60/1). As an achievement, it was nothing short of groundbreaking and one of which we should be rightly proud. And we should give thanks to our African colleagues for showing us the way with their own commitment to the principle of

non-indifference, as enshrined in the African Union Constitutive Act.

The term "never again" resonates with us all. Our shared memories of Rwanda and Srebrenica ensure that it is a commitment that every United Nations Member State can and must support. The question has always been how to put this into practice. The responsibility to protect is a concept which allows us to do just that. And now, four years after we agreed the principle, the United Kingdom welcomes this debate on how to take forward implementation within the United Nations. The Secretary-General has provided us with recommendations — a framework, if you like — for action, and I congratulate him and the team that prepared his report (A/63/677). But we must play our parts and seize this opportunity to continue consideration of how to make real progress on operationalization.

The United Kingdom finds the report well-balanced and true to the 2005 agreement. It is clear about what responsibility to protect is and also, in the face of many misconceptions, what it is not. More importantly, the report is also practical. The three-pillared approach of State responsibility, assistance and response aids conceptual clarity, as does the emphasis on the need for an early and flexible response. Every situation is different, and we must guard against an overly prescriptive and, I would say, overly simplistic checklist approach to action.

Responsibility to protect activity encompasses a wide range of possible actions designed to help States protect their populations — all, as the Secretary-General makes clear, in accordance with the United Nations Charter. Collective action should be determined by an assessment of the situation on the ground and of the best tools suited to address that.

In this context, I should take a moment to highlight the importance of two issues, the first being the key role to be played by regional organizations. If we are to implement R2P effectively, it is right that they should take or share the lead in reacting to crisis situations in their regions. Secondly, there is value to be found in improving and better coordinating our early warning efforts and our use of and receptivity to information. A more cohesive United Nations approach to this can only enhance our collective prevention efforts.

The Secretary-General's explanation of responsibility to protect as a "narrow but deep" concept is also helpful in terms of implementation. While the concept applies to the four crimes only, there are many ways and means by which States can put it into practice. In the United Kingdom's view, R2P should be a governing principle of all Member States' work across the conflict spectrum, as well as on human rights and development. Building good governance, the rule of law and effective judicial and security sectors all goes towards building a preventive environment in which responsibility to protect crimes would be less likely to take place.

I will conclude by saying a little about what I think we should be trying to achieve here, and that is an R2P culture — a culture of prevention that is as much about responsible sovereignty as it is international assistance; a culture that in the long term will help us to prevent mass atrocities and reduce conflict and the cost of conflict; a culture that will help us to build an international system which is better equipped and more effective at preventing and responding to conflict; and a culture which fosters our ability to reach consensus on timely and decisive action.

I do not think that anyone here would disagree with those goals, and I very much hope that none would seek to delay implementation through procedural or administrative means. This is too important to us all. We made a commitment in 2005 to practical action. We must now live up to that.

Mr. Natalegawa (Indonesia): Let me first express my delegation's deep appreciation to the President for convening this meeting on the responsibility to protect. We also appreciate the informal thematic dialogue held earlier this morning on the issue. Likewise, Indonesia wishes to express its appreciation to the Secretary-General for his report on implementing the responsibility to protect (A/63/677). My delegation associates itself with the statement delivered earlier by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

At the World Summit in 2005, the question of responsibility to protect was brought into the mainstream of international discourse, and, most significantly, world leaders were able to reach consensus on the issue. Hence, there is hardly any need to reinvent the wheel. As asserted by the Secretary-

General in his report, the task ahead is not to reinterpret or renegotiate the conclusions of the World Summit; rather, it is to find ways of implementing its decisions.

It is against this background that my delegation appreciates and acknowledges the significance of the aforesaid report of the Secretary-General. It will facilitate General Assembly's deliberations aimed at operationalizing the implementation of the 2005 World Summit mandate on the responsibility to protect.

We are not in disagreement with the three pillars of the responsibility to protect: the primary responsibility of every State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity; the responsibility of the international community to assist States in fulfilling their national obligations, including capacity-building; and the commitment to take timely and decisive action, consistent with the Charter of the United Nations, in those situations where a State is manifestly failing in its responsibility to protect. In our view, within — and specifically within — the framework of the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, these three pillars are solid enough to withstand any and every assault.

Indonesia believes that the framework which was agreed by the World Summit in 2005 imposes on each State the responsibility to protect its citizens. This responsibility must be emphasized along with the responsibility of the international community to assist States that require capacity-building assistance. The horrors of the twentieth century inform the final pillar, namely, that timely and decisive action within the Charter is an option on the table should a State be manifestly failing in its obligation to protect. It is worth emphasizing, however, that pillar three also encompasses a wide range of non-coercive and non-violent responses under Chapters VI and VIII of the Charter.

We believe that prevention is key. In this regard, responsibility to protect is also about efforts to strengthen the capacity of Member States to meet the minimum criteria of good governance and application of the rule of law. This perspective will in turn assist Member States in providing better protection for their populations. Hence, at this juncture, the discussion of the responsibility to protect in the General Assembly should include a comprehensive and clear strategy aimed at strengthening capacity-building programmes.

The report of the Secretary-General has identified a number of possibilities which are deserving of careful consideration. We welcome in particular the acknowledgement of the innovative steps taken by some regional or subregional organizations in promoting capacity-building. The potential value of region-to-region learning processes cannot be underestimated.

We share the view that clear ways must be defined concerning partnerships between States and the international community. Without doubt, the subject of international assistance and capacity-building, which is referred to in the report under pillar two, will greatly influence whether the strategy for implementing the responsibility to protect will succeed or fail.

A focus on prevention also necessarily entails the strengthening of the United Nations early warning capacity, not least by working closely with its regional and subregional partners, as well as by heightening, consistent with their mandates, responsibility to protect perspectives within existing and relevant United Nations departments, programmes and agencies.

We are cognizant, however, that the challenge extends beyond better information. In this regard, Indonesia looks forward to the Secretary-General's proposals on strengthening the United Nations early warning system, to be submitted later this year.

The report suggests that the General Assembly might consider the possibility of conducting a periodic review of what Member States have done to implement the responsibility to protect. We feel that this issue needs a clear and practical modality before a discussion on it takes place in order to ensure the true added value of such an exercise.

Finally, while emphasizing the 2005 consensus on the responsibility to protect, it is important not to underestimate the magnitude of the challenge ahead in operationalizing the concept. In striving for such an outcome, we must ensure that the hard-gained 2005 consensus is preserved, nurtured and, indeed, built upon. The present report of the Secretary-General is invaluable in this regard. My delegation stands ready to engage constructively in discussing the various important issues raised therein.

Mr. Lacroix (France) (*spoke in French*): At the outset, I would like to say that my delegation fully endorses the statement made earlier by the Permanent Representative of Sweden on behalf of the European Union.

In 2005, the heads of State and Government, meeting at the World Summit, wanted to ensure that never again would we witness mass atrocities in the world — crimes of intolerable scope and cruelty that were all too widespread in the twentieth century. For that purpose, they defined by common agreement and by consensus the principle of the responsibility to protect which brings us here today. This principle is in line with other thinking and legal frameworks.

By virtue of both its preventive dimension and its operational aspect, which can, if necessary, result in a collective action under Chapter VII, it is a key element in the fight against mass atrocities on a par with international humanitarian law, international human rights law and the international criminal justice.

Let me recall that its emergence was made possible by the conceptual leap made in the 1990s with the birth of the right of humanitarian intervention for the benefit of victims, as formulated by France and Bernard Kouchner, and which was ratified by several resolutions of the General Assembly. The Convention on the Prevention and Punishment of the Crime of Genocide, whose sixtieth anniversary we have just celebrated, also paved the way for the responsibility to protect.

The responsibility to protect is not a geographic concept to be implemented exclusively by developed nations. It was developed, I would recall, as a result of the thinking of prominent figures from every continent. Evidence of that fact is that Article 4 of the Constitutive Act of the African Union (AU) established in 2004 the principle of the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity.

In fact, States, the international community and the United Nations system have contributed to the implementation of the responsibility to protect for many years. Whether in Kenya in 2008 or in the former Yugoslav Republic of Macedonia in 2001, the international community has demonstrated that it is possible to avoid the worst by mobilizing all stakeholders. Twice in 2006, the Security Council reaffirmed the provisions of paragraphs 138 and 139 of the 2005 Summit Outcome, in its resolution 1674 (2006) on the protection of civilians in armed conflict and in resolution 1706 (2006) on the crisis in Darfur. Resolution 1674 (2006) on the protection of civilians also made it possible to integrate the issues of human rights and international humanitarian law in a dozen peacekeeping operations, thereby making it possible to avoid mass atrocities.

The responsibility to protect therefore already largely exists. Heads of State and Government recognized it as a universal principle nearly four years ago. It is increasingly becoming an expectation among populations throughout the world, as well as among members of the international community in general. We are therefore meeting not to discuss the definition of the concept, but rather to debate the means to strengthen its implementation and its respect, as the Secretary-General calls on us to do in his report (A/63/677).

France welcomes the report presented to us two days ago by the Secretary-General. We believe it is accurate and pragmatic. The report proposes an approach that is both targeted and in-depth, strictly confining the responsibility to protect to four crimes enumerated by the 2005 Final Document, namely, genocide, war crimes, ethnic cleansing and crimes against humanity. France will also remain vigilant to ensure that natural disasters, when combined with deliberate inaction on the part of a Government that refuses to provide assistance to its population in distress or to ask the international community for aid, do not lead to human tragedies in which the international community can only look on helplessly.

France welcomes the important role that the report assigns to preventive action, which is a key component of the responsibility to protect by virtue of the definition it establishes for national sovereignty, under which a State has lasting obligations towards its people.

State respect for human rights law, international humanitarian law and refugee law is the first step towards responsible sovereignty and preventing the four crimes I have mentioned. As the Secretary-General has done in his report, we call on States to fully adhere to the permanent international instruments pertaining to those rights and to collaborate with the

institutions associated with them, in particular the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council and its special procedures.

The fight against impunity is also one of the preventive tools capable of preventing mass crimes. France encourages all States that have not yet done so to become party to the Rome Statute on the International Criminal Court and to put in place national legal mechanisms to ensure that no grave crime goes unpunished.

The international community has a role to play in strengthening the capacity of States to help them to exercise responsible sovereignty in order to protect their people. The report of the Secretary-General lists a whole range of international and regional mechanisms, which are often linked to the institutions I have already mentioned. We encourage the United Nations system to work in partnership with States in that regard, as well as to integrate the philosophy of the responsibility to protect into its programmes. We look forward to the recommendations that the Secretary-General will provide us with regard to strengthening early warning mechanisms at the United Nations.

Likewise development aid, by promoting democratic governance and respect for the rule of law, plays a major role in implementing the responsibility to protect.

France shares the viewpoint highlighted in the report with respect to the balance between the three pillars. The responsibility to protect is not limited to the response to be given to a crisis situation; quite the opposite, its success depends upon our ability to strengthen the prevention of mass crimes. However, the responsibility to protect would not be complete without the third pillar, which gives it its full meaning — that is, the international community's reaction when one of the four crimes is being or is about to be committed.

As the report points out, the international community's reaction can take many forms. It is not limited solely to action by the Security Council, even though that, as determined by the Charter of the United Nations, is essential. Nor is it limited solely to actions taken under Chapter VII. It also includes the whole host of measures for peaceful settlement of disputes provided for in Chapters VI and VIII of the Charter of the United Nations.

The Secretary-General's report clearly shows that the responsibility to protect is a broad concept, whose key element is prevention, and that it is everybody's business. First and foremost, it is the responsibility of States, which are reminded to implement national and international mechanisms to prevent, by respecting human rights and fundamental freedoms, the emergence of situations that could lead to the four crimes. And that responsibility is also the business of all regional organizations, which have an essential role to play, as well as every international organization working, directly or indirectly, to preserve peaceful conditions. Finally, it is the business of the United Nations and its various bodies, beginning with the Security Council, the Secretariat and the funds and programmes.

France calls on nations, the international community and the United Nations as a whole to meet this challenge so that the world will never again witness such heinous crimes as genocide, war crimes, ethnic cleansing and crimes against humanity. France will be fully involved in that daily effort, whether through bilateral action with its partners, through its development policy or as a member State of the regional and international organizations to which we belong.

Mr. Davide (Philippines): At the outset, my delegation commends the President for organizing these activities relating to the subject of the responsibility to protect (R2P), which are ending with this open debate on the report (A/63/677) of the Secretary-General on implementing the responsibility to protect. My delegation would also like to commend and congratulate the Secretary-General for his report, which is undoubtedly comprehensive and enlightening and has been prepared with the utmost care and prudence.

The report's discussion of its mandate, the context and the definition of its approach, the identification of the three pillars of R2P and its recommended prescriptions for the way forward would have warranted an earlier discussion or debate thereon by the General Assembly for it to enable itself to formulate effective measures to further invigorate and give fuller meaning to R2P. As it is, nearly three and a half years had already gone by since September 2005, when the biggest gathering in history of heads of State and Government convened at the 2005 Summit and approved the concept of R2P by enshrining it in

paragraphs 138 and 139 of the Summit's Outcome Document. We are lucky that it has not been forgotten at all. The report of the Secretary-General could yet be the best document to provide us a healthy environment to nurture and cultivate the R2P principle towards its early maturity.

The political foundation of R2P in paragraphs 138 and 139 of the 2005 World Summit Outcome is firmly anchored in existing international practice. The concepts in those two paragraphs do not create new binding norms, but build on current international standards condemning genocide, war crimes, ethnic cleansing and crimes against humanity and confirming their classification as international crimes. In fact, paragraph 138 is just a restatement of the positive binding obligation of States to protect their populations from the four crimes enumerated therein. As to paragraph 139, the term "collective action" is clearly meant to be applied or used strictly in accordance with the Charter of the United Nations, bearing in mind respect for the sovereignty and territorial integrity of States, non-interference in their internal affairs and respect for fundamental human rights.

More important, of course, is that the adoption by our leaders at the highest level of paragraphs 138 and 139 demonstrated a strong political commitment that accomplished a breakthrough by providing a new framework for understanding and applying existing legal obligations concerning those four international crimes. Our leaders, haunted, tormented and tortured by the memory of the past in relation to genocide, war crimes, ethnic cleansing and crimes against humanity — which, sadly and painfully, are still being committed today in some parts of our planet — and resolved to put an end to those crimes, left nothing vague with regard to the scope or intent of R2P. It should be limited to those four crimes and applied only to them. Any attempt to enlarge its coverage even before R2P is effectively implemented will only delay, if not derail, such implementation; or worse yet, diminish its value or devalue its original intent and scope.

Indeed, the call of the hour is to translate into concrete action and deed the voice, and implement the will, of our leaders as expressed in R2P. The Secretary-General's report provides the road map for our deliberations on how the General Assembly should proceed in operationalizing the concept of the responsibility to protect.

The successful implementation of any initiative in the United Nations depends on support from the Member States. That support is engendered through frank and transparent discussions and dialogue conducted with the utmost good faith. Today's plenary debate is the ideal venue to begin those discussions and dialogue to develop a clear understanding on how R2P can be implemented, as well as to be enlightened on its implications for the work of the United Nations.

For the time being, my delegation would like to make the following points in relation to the report of the Secretary-General.

First, let me begin with pillar one, on the protection and responsibilities of the State. We fully concur with the statement that

> "The responsibility to protect, first and foremost, is a matter of State responsibility, because prevention begins at home and the protection of populations is a defining attribute of sovereignty and statehood in the twenty-first century." (*A/63/677, para. 14*)

In the Philippines that responsibility is mandated by the Constitution itself. Section 4 of article II thereof provides that "The prime duty of the Government is to serve and protect the people". That is so because, as also solemnly enshrined in section 1 of the same article, "Sovereignty resides in the people and all Government authority emanates from them". The best guarantees that a State can provide to protect its citizens are its adherence to democratic principles, ideals and practices; the protection and promotion of fundamental human rights and of the dignity and worth of every human person; the observance of the rule of law; an independent judiciary; good governance; and, for United Nations Member States, unconditional fidelity to the United Nations Charter and observance of the Universal Declaration of Human Rights.

Second, as to pillar two, on international assistance and capacity-building, and pillar three, on timely and decisive response, the General Assembly and the Security Council, as well as the Secretary-General, should have an active and substantive role in their implementation. It must be underscored that the General Assembly approved paragraphs 138 and 139 in 2005. Its overall role on the issue, specifically as regards oversight over its implementation, must be promoted and strengthened with abiding vigour and

vitality. It should never be diminished or diluted. The latter may only make R2P all sound and fury.

Third, the concept of R2P should be universal, that is, applied equally and fairly to all States, although the manner of implementation would be on a case-to-case basis. Doing otherwise would raise the issue of selectivity and would bring up valid and legitimate questions about the criteria used for the priority given to situations requiring action.

Fourth, the time frame and mandate of any action to be taken under pillars two and three should be clearly defined without any trace of ambiguity. Open-ended or ambiguous mandates are indications of indecisiveness, or even weakness, and should not be tolerated, for it could cause not only confusion but dismal failure.

Fifth, the United Nations resources to be used for R2P should not affect other activities undertaken in the context of other legal mandates, such as development assistance. It may be recalled that there is still an imbalance in the programme budget for items relating to the three intertwined and indivisible pillars of the United Nations — the promotion of peace and security, development and human rights. R2P may further skew the balance against development.

Sixth, international assistance and capacity-building should focus on maximizing the contributions from regional and subregional organizations. In particular, the United Nations should look into building up the civilian capacities of regional and subregional organizations to prevent the commission of crimes covered by R2P. The Organization should also look into the potential value of region-to-region learning processes and their adaptation to local conditions and cultures.

Seventh, there should be more focused discussions on the implementation and modalities for pillar three, on timely and decisive response, which is the most controversial pillar. Deliberations should lead to more clarity with respect the use of force in enforcing R2P. It is imperative that policies, principles and rules be laid out in cases where coercive force may be applied in extreme situations. Dialogue and peaceful persuasion — measures taken under Chapters VI and VIII of the United Nations Charter — should take precedence over coercive responses.

My delegation looks forward to a meeting of minds among us that will lead to a fair, reasonable, responsible, responsive, effective and expeditious operationalization of R2P. In doing so, let us bear in mind the words of Sir Edmund Burke, which I find very relevant to our discussions today: "All that is necessary for the triumph of evil is that good men do nothing".

Mrs. Viotti (Brazil): I would like to thank the President for convening this debate, which is both timely and appropriate. The implementation of the responsibility to protect (R2P) as spelled out in the 2005 Summit Outcome Document requires serious and careful consultations among all Member States. The General Assembly is the proper venue for that process, as the chief deliberative, policymaking and representative organ of the United Nations. I would also like to thank him for the conceptual note prepared for this occasion.

My delegation is also grateful to the Secretary-General and to his Special Adviser Edward Luck for the report (A/63/677) before us, which we welcome. It constitutes a balanced and thought-provoking effort to assist Member States in their search for the best way to render operational the concepts enunciated in paragraphs 138 and 139 of the Outcome Document. My delegation's participation in this important exercise is based on a few premises. The first one is that this is not a discussion between those who cherish the dignity of human life and those who do not. By definition, all Member States subscribe to the core values enshrined in the Charter and are bound to act accordingly. The obvious fact that the observance of those values varies from country to country neither authorizes nor recommends Manichean views, which will lead us nowhere.

Secondly, the political boundaries of the responsibility to protect were clearly set by our heads of State and Government in 2005, and we are not mandated to alter them in one way or another. As indicated by the report of the Secretary-General, attempts to expand the responsibility to protect to cover other calamities, such as HIV/AIDS, climate change or the response to natural disasters, "would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility". (*A/63/677, para. 10 (b)*)

Thirdly, ignoring legitimate concerns expressed by many Member States is not going to take us forward. If we want to succeed — and I believe that we all do — we must address those concerns effectively by ensuring that the implementation of the responsibility to protect is fully consistent with the Charter. That means, inter alia, recognizing that a State's responsibility to protect does not qualify State sovereignty. Paragraph 138 is clear in that such responsibility is taken up by States individually. On the other hand, the attribute of sovereignty does not exempt the State from its obligation to protect its population. On the contrary, it is from that very attribute that such obligation derives.

As we embark upon this collective effort to appropriately implement the agreement reached in 2005, we would also benefit from a clear understanding of the nature of the responsibility to protect. In Brazil's view, it is not a principle proper, much less a novel legal prescription. Rather, it is a powerful political call for all States to abide by legal obligations already set forth in the Charter, in relevant human rights conventions and in international humanitarian law and other instruments. Just as important, it is a reminder to the international community that it already has the instruments needed to act, namely, those mentioned in paragraph 139 of the Outcome Document.

The implications of such an understanding of the responsibility to protect are far from academic: perpetrators of the four crimes referred to in the document cannot argue in their defence that the responsibility to protect is still to be implemented, nor can the international community justify inaction with a lack of legal instruments. The tragedy in Rwanda, for example, took place neither because authorities were unaware of their legal obligation to protect their populations nor because the international community did not have the means to stop them. That is a sad truth, but we must be true to ourselves if we are serious about the responsibility to protect.

The Secretary-General's report presents the content of paragraphs 138 and 139 of the Outcome Document in three different pillars. That image may be useful as a means to indicate the basic elements of the notion of the responsibility to protect. However, there is a political subordination and a chronological sequence among them. The responsibility to protect a population from genocide, war crimes, ethnic cleansing and crimes against humanity is first and foremost an obligation of the State. Only if and when a State manifestly fails to fulfil such obligation may the international community take collective action in accordance with the Charter. In other words, the third pillar is subsidiary to the first one and a truly exceptional course of action, a measure of last resort.

With regard to the second pillar, it is complementary to the first one. That is a means to assist the efforts of the State to fulfil an obligation that is primarily its own.

Among the two pillars directly related to the international community, the one regarding assistance and capacity-building must certainly concentrate our attention and energy. Brazil attaches particular importance to the aspect of prevention, as we have already stated in several other forums such as the Security Council and the Peacebuilding Commission. The first step towards a durable solution to humanitarian crises is to identify their root causes, which usually include underdevelopment, poverty, social exclusion and discrimination. Therefore, in addressing the responsibility to protect, we should deal first and foremost with cooperation for development and try to devise ways to reduce the disparities of all sorts that exist within nations, and among nations and regions.

In that regard, the role of the United Nations is indispensable. It must be given the financial and human resources needed to help States facing material and institutional difficulties to ensure the protection of their populations. For its part, the United Nations system must make the best use possible of such resources in a way that increases the long-term capacity of States to protect their own people.

International assistance and capacity-building should be conceived as a positive support system, as necessary and appropriate. Considerations contained in the report of the Secretary-General as to whether the assistance measures in a given case would be "of little use and the international community would be better advised to begin assembling the capacity and will for a 'timely and decisive' response, as stipulated under paragraph 139" (*ibid., para. 29*) seems to reveal a punitive intention when it comes to the implementation of the responsibility to protect. That perception must be avoided.

Brazil advocates the concept of non-indifference as a way of emphasizing the responsibility of the international community when faced with humanitarian disasters and crises, including those resulting from hunger, poverty and epidemics. These are humanitarian catastrophes that can be prevented or mitigated through political will and short-, medium- and long-term cooperation. That requires that developed States fulfil their development-related obligations, as agreed in Monterrey and in the Doha review conferences. Non-indifference also calls for enhanced South-South cooperation and innovative financing mechanisms that complement traditional sources of financing for development. Brazil seeks to implement that approach in its South-South activities.

In conclusion, I wish to express my delegation's willingness to actively participate in the consultations we are now initiating. If guided by a shared sense of objectivity and inclusiveness, in conformity with the Charter, such a process should succeed.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): I would first of all like to associate myself with the statement delivered by the representative of Egypt, who spoke on behalf of the Non-Aligned Movement.

Secondly, I would like to thank and commend the Secretariat for the document entitled "Implementing the responsibility to protect", which has been issued under the symbol A/63/677. I do not say it as a mere courtesy. The document is extremely well crafted, not only from the perspective that matters most, namely, substance, but also in its structure and drafting. We also appreciate the President's own concept note, which was circulated on 17 July. We also thank him for having organized this morning's interesting panel on the issue before us.

Our delegation is among those that believe that paragraphs 138 and 139 of the 2005 World Summit Outcome Document were one of the singular achievements of that meeting. The evolution of the doctrine on humanitarian law over the past 20 years made viable the unanimous acceptance of the responsibility to protect in 2005. We understand that it is not a matter of binding humanitarian law, but rather an important framework on the way that the international community is to deal with the four categories of crime that those paragraphs address.

As an example, I should like to refer to my own country, which, like others in Latin America, long supported military dictatorships. It is debatable whether the indescribable crimes committed in some cases rise to the category of genocide or crimes against humanity. However, the point is that, after the long authoritarian night, Governments emerged in our region, including of course my own, that were prepared to assume their own responsibility for protecting and promoting the human rights of their respective populations.

Some of the so-called truth commissions that were established with the emergence of democracy issued reports aptly entitled "Never Again". That included one of the reports issued in my own country of Guatemala. We believe that the time has arrived for the international community as a whole to say "never again" to genocide, war crimes, ethnic cleansing and crimes against humanity. Too many flagrant cases occurred during the past 60 years of the twentieth century, and we are still facing situations that could be qualified under one of those four categories in the first decade of the twenty-first century. In other words, we have made progress in conceptual and doctrinaire terms, but there is still some way to go to fulfil the aspiration that such abuses will never again be committed. In that regard, the Secretary-General's report is not only well crafted, but exceptionally timely.

Indeed, as indicated in paragraph 67, the report can help us to turn the words of the 2005 World Summit Outcome into doctrine, policy and, most importantly, deeds. That is to say that, as also suggested elsewhere in the report, it is important to be able to count not only on a conceptual framework but also on an instrument that allows us to move from rhetoric to action. We believe that the document and the proposals contained therein in the three categories explored — the three pillars — make a significant contribution to our ability to move forward.

It is now necessary to recognize that, at an abstract or intellectual level, all Member States accept the concept of the responsibility to protect (R2P). However, with regard to its potential implementation, the concept still arouses certain apprehensions, as is made clear in the concept paper prepared by the President of the General Assembly. Among those, four stand out.

First, some still have difficulty reconciling the status of sovereign independent States with

commitments that could be interpreted as being of a supranational nature. That is so despite the conceptual breakthroughs achieved with regard to the issue itself, including, among others, the independent International Commission on Intervention and State Sovereignty convened by the Government of Canada in the year 2000, which perceived the responsibility to protect as an act of shared sovereignty.

Secondly, for countries like mine that greatly value the principle of non-intervention in the internal affairs of sovereign States, there is a lingering suspicion that the responsibility to protect can, in specific moments or situations, be invoked as a pretext for improper intervention.

Thirdly, there are divergences with regard to the character of the crimes that the responsibility to protect is designed to address. Not everyone sees things the same way when we try to define the concepts of genocide, war crimes, ethnic cleansing and crimes against humanity. Although those have been the object of international codification, the latter has not been uniform and there are even variances with regard to what is established by customary international law.

Fourthly, there is some overlap in the implementation of R2P and the role of the Security Council, with its known shortcomings, which, whether we like it or not, links the discussion of the responsibility to protect to the most controversial item of our current agenda, namely, the reform of the Security Council.

We believe that one of the greatest merits of the Secretary-General's report is that it moves in the direction of dissipating those apprehensions, especially with respect to reconciling the inescapable obligation of each State to protect its own population with the shared responsibility of the community of nations to assure that each State is in a position to meet that basic commitment. The document usefully bases the concept on three separate but interconnected pillars. Also useful is the report's focus on the fact that the third pillar should be conceived in such a way that responses to specific situations be reasoned, calibrated and timely. Although the document does not state so explicitly, it is clear that the use of force must be considered as a recourse of last resort, and only on the basis of a Security Council resolution.

Nevertheless, further clarification may perhaps be necessary to mitigate apprehensions relating to the risk that some actors, individually or collectively, may abuse the responsibility to protect to further aims that are incompatible with the noble objectives of that doctrine. That should be done in such a manner so as not to limit the third pillar to such an extent so as to render it meaningless. Indeed, it is precisely for that reason that we must continue to refine the conceptual framework in order to codify it in such a way as to facilitate its practical application, but not to neutralize or limit it to such a degree as to render it inoperative.

Lastly, we have heard some colleagues express doubts as to whether our discussion of today requires any outcome. My delegation firmly believes that it does, first, because paragraph 139 contains a precise instruction that the General Assembly should continue to consider the matter and, secondly, because the concept requires further development. Our delegation thinks that the Secretary-General's report contains sufficient material to enable the General Assembly to complement paragraphs 138 and 139 of the 2005 World Summit Outcome Document with a resolution that serves as the equivalent of a set of rules for the practical application of the responsibility to protect.

Mr. Yáñez-Barnuevo (Spain), Vice-President, took the Chair.

For example, among the many areas requiring further development is the issue of helping the United Nations to establish an early warning system. Under no circumstances would that entail revising the contents of those paragraphs, as we agree fully with the Secretary-General that they require no modification whatever, much less an effort to weaken them. What may perhaps be needed is to codify the manner of applying the concept through the length and breadth of the three pillars that the Outcome Document itself identifies, but whose content and scope are developed in the Secretary-General's report, while at the same time dissipating the apprehensions that still exist on the matter. We are prepared to fully participate in the consideration of a draft resolution of that nature, which should also be perceived as part of a gradual but progressive process of development.

Ms. Čolaković (Bosnia and Herzegovina): First of all, my delegation wishes to commend the President of the General Assembly and his effort to organize this important event, including this morning's very productive and interactive exchange of opinions with distinguished panellists with regard to the very

comprehensive report (A/63/677) of the Secretary-General on the responsibility to protect (R2P). I would also like to add that my delegation endorses the statement delivered by the representative of Sweden on behalf of the European Union.

Today and in times to come, the importance of the responsibility to protect, especially in the light of ensuring the safety of people within a country's borders, is an issue to which the United Nations and the international community must pay exceptional attention. As the world's leaders outlined in the 2005 World Summit Outcome, the United Nations is responsible for undertaking appropriate measures and collective action in accordance with the Charter, including under Chapter VII, to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The notion of sovereignty implies the responsibility of a State to protect its own population and to respect human rights. If a State is unable to do so, the international community ought to take a stand and undertake adequate measures to put an end to such activities. Neither a State nor the international community, and especially the United Nations, as the highest institutional forum for multilateral diplomacy, has the right to turn a blind eye on any practice that could lead to grave violations of international humanitarian law.

The responsibility of Member States to respond collectively does not always have to be a choice between observing passively or using military force. Some States need the assistance of the international community to build up their capacity to protect. However, a prerequisite for that is the readiness of their political leaders to genuinely accept assistance. In that regard, the assistance of regional and subregional organizations and neighbouring countries has a pivotal role to play. Regional organizations should have relevant instruments to support capacity-building in the areas of conflict prevention, the rule of law, security sector reform, development and human rights and the protection of refugees and internally displaced persons.

However, when it is evident that diplomatic efforts have failed and that States or non-State actors are committing or are about to commit crimes related to the responsibility to protect, collective international military assistance, as proposed by the Secretary-General in his report, may be the surest way to support States in meeting their obligations relating to the responsibility to protect.

As the report points out, the worst human tragedies of the past have not been exclusively rooted in geography or economic factors. No State or region is immune to them. Today as in the past, no international organization has the full capacity to either prevent conflict or to protect populations from their consequences.

Bosnia and Herzegovina attaches the utmost importance to the establishment of a United Nations early warning capability, as was recognized at the 2005 Summit. However, that raises the question of the establishment of a mechanism that could effectively lead from early warning to concrete action by the international community and the United Nations. State sovereignty cannot be a definite obstacle when confronting the greatest crimes known to humankind.

My delegation has no intention of blaming and shaming the international community for what it did not do or what it did belatedly with regard to the conflicts that emerged during the process of the dissolution of the former Yugoslavia. However, I would like to recall that there were clear warning signs. Political leaders from multi-ethnic societies calling for the establishment of States based on a single ethnic group that denied equal rights to other ethnic groups was just such a sign. Media favouring certain leaders who were true extremists was another. The emergence of armed groups was not just a warning sign; it was the last call before disaster was precipitated. Unfortunately, what happened afterward is well known.

In that regard, we would like to remind the Assembly of what was stated in the judgement of the International Court of Justice in its ruling on 26 February 2007:

> "the acts committed at Srebrenica ... were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed ... in and around Srebrenica from about 13 July 1995." (*International Court of Justice, decision of 26 February 2007 Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, para. 297*)

A few days ago, we commemorated 14 years since the Srebrenica tragedy, which took place in the heart of Europe. Today we have an international institution and mechanisms that represent the legacy of an unfortunate time in our history, namely, the International Criminal Tribunal for the former Yugoslavia. An important aspect of prevention is the sending of the strong message that perpetrators of crimes of genocide, war crimes, ethnic cleansing and crimes against humanity will be brought to justice and prosecuted.

Becoming a party to international human rights instruments, in particular, the Rome Statute which established the International Criminal Court, and adherence to international humanitarian law and refugee law should be factors of stability for every single State. The political leaders of States parties to the Rome Statute have to be aware that their actions or wrongdoing with respect to human rights or provisions of international humanitarian law are subject to scrutiny. That aspect should not be underestimated, nor should it be misused. In that regard, international standards have to be incorporated into national legislation and carefully guarded. Domestic law in that case would be the first line of defence in upholding human rights and humanitarian law.

Ms. DiCarlo (United States of America): Let me begin by thanking the Secretary-General for his comprehensive and balanced report (A/63/677). We appreciate the opportunity to comment on this important issue today. Since the Holocaust, the world has often said "never again", but we all have much more to do to give those words real meaning and strength. The type of horrors that marred the twentieth century need not be part of the landscape of world politics. The United States is determined to work with the international community to prevent and respond to such atrocities.

Four years ago, at the World Summit, States Members of the United Nations unanimously agreed that sovereignty comes with responsibility and that States have a particular obligation to protect their populations from such atrocities as genocide, war crimes, ethnic cleansing and crimes against humanity. The responsibility to protect follows a path laid out by the African Union's Constitutive Act, in which our African colleagues pledged non-indifference in the face of mass crimes.

The responsibility to protect complements principles of international humanitarian and human rights law to which we have all committed. It reflects our collective recognition of past failures to save the innocent from the worst forms of atrocity and abuse. That is important progress, and the United States supports it.

The Secretary-General reminds us that the great crimes of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor countries and in affluent ones. Sometimes they were linked to ongoing conflicts; sometimes they were not. We still know too little about the paths that lead to mass atrocity, but in the twenty-first century we cannot wait for such crimes to occur. We must look for ways to prevent them.

The Secretary-General's report provides an important framework for translating the commitments we made in 2005 into action. It elaborates three pillars that underscore the policies and instruments that we must mobilize, and it highlights the need for stronger conflict management, sufficient resources and better coordination of international efforts.

We must do more to respond effectively to early warning signs. The United States strongly supports effective United Nations human rights machinery, including more credible action from the Human Rights Council and timely information on unfolding and potential calamities from the Office of the High Commissioner for Human Rights and the network of independent United Nations rapporteurs and experts. The United Nations mediation standby teams can also play an important role, but these teams must be strengthened.

The potential for mass atrocities is greatest amid war and civil strife, so we must redouble our efforts to prevent or swiftly respond to outbreaks of violence. That means more effective peacekeeping and peacebuilding, including intensified efforts to address sexual and gender-based violence.

Today we have a better understanding of the ways that poverty, environmental pressures, poor governance and State weakness raise the risk of civil conflict, but the tools at our disposal to address those challenges must be sharper, stronger and deployed more consistently. Where prevention fails and a State is manifestly failing to meet its obligations, we also need to be prepared to consider a wider range of collective

measures. Only rarely and in extremis would these include the use of force.

We must work together towards attaining peace, justice, accountability and dignity for all. The United States stands prepared to work with all partners — the United Nations, regional organizations that play such a vital role in peace and security, non-governmental organizations and others — towards these ends. Ultimately, the greatest obstacle to swift action in the face of sudden atrocity is the lack of political will. Together, let us work to summon the courage of our convictions and the will to act.

Mr. Grauls (Belgium) (*spoke in French*): It will soon be four years since our heads of State and Government unanimously and irrevocably enshrined the principle of the responsibility to protect. In so doing, we offered a promise of hope to humanity — the promise of a future in which the words genocide, war crimes, ethnic cleansing and crimes against humanity would be confined to history books. In order to reach this better future, our heads of State and Government promised to fully assume their responsibilities. And they promised to work constructively and in solidarity and to offer each other a helping hand. Today, I would like to reflect on each of these promises.

All the victims of such crimes, be they in Cambodia, in Rwanda or in ex-Yugoslavia, remind us that no region or culture is safe from the horror engendered by hatred and violence. The promise of hope that was made at the highest level raised the expectations of the populations that suffered from these crimes — expectations to which we must respond. The credibility of our Organization is at stake.

Secondly, responding to this promise is the aim of today's debate. The answer lies in the implementation of what our leaders decided in 2005. By adopting paragraphs 138 and 139 of the World Summit Outcome Document (resolution 60/1), we all pledged to fully assume our responsibility both at the national level and collectively.

As underlined by the Secretary-General in his report (A/63/677), the implementation of the responsibility to protect requires first and foremost national action. The responsibility of States is paramount. There lies the importance of the first pillar and of the concept of sovereignty as responsibility. Rather than weakening sovereignty, the responsibility to protect reinforces it by turning it into responsible sovereignty.

Thirdly, if a State lacks the means to assume its responsibility on its own, the international community can and must offer assistance. That effort of solidarity is at the very heart of the very principles of the United Nations. Such solidarity is more necessary than ever, especially given the financial and other crises that we must face together. This is also about the responsibility of the international community. International support is essential, including regional and subregional support. In numerous instances, it must make it possible to build States that are genuinely responsible for their own citizens. As emphasized by the Secretary-General in his report, we should help to ensure that national capacities take root, rather than merely supporting them temporarily and artificially.

Regrettably, a State is sometimes not prepared to protect its own population against the worst crimes. In such circumstances, we cannot forfeit our collective responsibility. On the contrary, we must demonstrate our solidarity with civilian populations. If a State is not prepared to assume its responsibilities, the international community must act, using all the means at its disposal, including, as a last resort, coercive measures pursuant to the Charter of the United Nations. The collective exercise of the responsibility to protect is one of the promises we made to victims in 2005, on which we cannot renege. That leads me to my fourth and last point — implementation.

Implementation — and not the just the principle of the responsibility to protect — is at the heart of today's debate. Belgium seeks in no way to revisit on the unanimous agreement of 2005. As the Secretary-General rightly stated during the presentation of his report, "it is high time to turn the promise of the responsibility to protect into practice" (*A/63/PV.96*).

Belgium joins other delegations in thanking the Secretary-General for his commitment and for the excellent report before us today. Few of the activities proposed in his report are new. They are manifest in the full respect of the Charter, whether in the areas of mediation, conflict prevention, peacekeeping or peacebuilding. Whether they relate to the first, the second or the third pillar, they are all part of our daily work. Other proposals, such as that to develop our early warning capacity — and, therefore, our prevention capacity — merit speedy elaboration. More

than ever, we must undertake that task with determination and conviction. We promised it to the victims of odious crimes.

That is the message that Belgium wishes to convey on the occasion of this debate to complement the statement made by the representative of Sweden on behalf of the European Union, to which we fully subscribe.

Mr. Park In-kook (Republic of Korea): At the outset, let me join previous speakers in expressing my deep appreciation for the convening of this plenary meeting on the issue of the responsibility to protect (R2P).

At the September 2005 World Summit, world leaders humbly acknowledged the historic and collective failures of the international community to save human lives, as evidenced by Rwanda's genocide, the massacres in the former Yugoslavia and the ethnic cleansing in Kosovo. They made a solemn promise that they would seek to prevent such atrocities in the future. Furthermore, they affirmed the collective responsibility to protect people threatened by mass atrocities and crimes against humanity.

With the concerted embrace of the historic notion of the responsibility to protect, a lengthy debate over whether to act had ended. Instead, discussions turned to how the principle would be implemented. However, since the 2005 agreement, some concerns and arguments on the concept of R2P have arisen, largely due to misperceptions or overly broad interpretations of the concept.

In that regard, my delegation welcomes the Secretary-General's report (A/63/677) and the General Assembly's debate on implementing R2P, which provides a valuable opportunity to ensure a common understanding of R2P and to reach consensus on the overall direction of its implementation, turning promise into reality. The Republic of Korea fully supports the Secretary-General's clarification of R2P as described in his report, including the following, among others.

First, primary responsibility lies with individual Governments, while the international community bears secondary responsibility. After all, R2P is a call for States to address serious human rights issues and to protect their populations from atrocities. Responsible sovereignty should be upheld.

Secondly, R2P is an ally of sovereignty, not an adversary. R2P helps States to meet their core protection responsibilities and facilitates success in the field. In that sense, the substance of R2P has nothing to do with so-called humanitarian intervention. R2P is distinctly different from humanitarian intervention, since it is based on collective action in accordance with the United Nations Charter, not on unilateral action.

Thirdly, R2P has a narrow scope, applying only to four specified crimes and violations. Based on that understanding, the Secretary-General detailed a three-pillar approach to turn the principle of R2P into an implementable and operational tool by suggesting a wide range of options under each respective pillar.

Pillar one is self-evident. As the report states, the protection of populations is a defining attribute of sovereignty. The policies and measures suggested in the report are all effective tools for authorities to implement R2P.

The Republic of Korea attaches great importance to pillar two, which is the commitment of the international community to assist States. As the Secretary-General's report points out, if the political leadership in a given State is determined to commit R2P crimes, assistance would be of little use. However, if the leadership is willing to implement its R2P responsibilities but lacks the capacity to do so, international assistance can play a critical role.

Among the recommendations and illustrative examples of activities to assist States, we take special note of the role of regional and subregional mechanisms. In fact, the African Union (AU) pioneered the R2P principle by stating in its 2000 Constitutive Act that it would not be indifferent in the face of failure by AU members to protect their populations from genocide, war crimes and crimes against humanity. Building the capacities of regional organizations to assist States and to deal with tense situations within their respective regions would be a sound investment.

While encouraging Member States to consider proposals for building capacity, such as standing or standby rapid response mechanisms, as well as to ask for assistance when under pressure, my delegation stresses the need to mainstream the goals of R2P into the broad activities of the United Nations system. In the areas of human rights, humanitarian affairs, peacekeeping, peacebuilding, governance and

development, there should be a common strategy to assist States in implementing R2P.

Let me now turn to pillar three — timely and decisive measures. The most ideal situation would be for all States to be determined and capable of fully implementing their obligations under R2P, with efficient assistance from the international community wherever needed. However, when a State is manifestly failing, the international community has a collective responsibility to prevent atrocities and to save lives, while responding to imminent threats, as clearly stated by the World Summit Outcome.

The Republic of Korea understands that the collective obligation is not to intervene, but rather to take whatever timely and decisive actions the international community deems appropriate to respond to immediate threats, in accordance with the Charter of the United Nations. In the same vein, it should be noted that many of the actions suggested as illustrative examples in the Secretary-General's report, including mediation, are not coercive. In fact, the report suggests a broad range of tools available, including pacific measures under Chapters VI, VII and VIII of the Charter. With respect to coercive measures to be taken in extreme cases, we believe that R2P should be implemented in accordance with the relevant provisions of the United Nations Charter. There is no implication of any changes to the respective roles of the General Assembly and the Security Council.

The primary role of the Security Council in authorizing coercive measures as a last resort reminds us of the privilege and duty of the five permanent members, which must be matched with their special responsibility. In that context, we support the recommendation in the Secretary-General's report for the five permanent numbers to refrain from employing the veto, or the threat of veto, in situations of manifest failure to meet R2P obligations.

While noting the need to continue to consider principles, rules and doctrines that should guide the application of coercive force relating to R2P, we would like to express our full agreement with the Secretary-General's contention that capacity, will and imagination are most significant, and that success lies in an early and flexible response tailored to the specific needs of each situation and focused on saving lives.

Looking forward, one urgent task that we should undertake is to buttress the United Nations early warning capacity. There is no doubt that early warning and assessment through the United Nations is a necessary component for successful preventive and protective action. In fact, the establishment of an early warning capability is what leaders agreed upon in 2005. As suggested by the Secretary-General, bolstering the Office of the Special Adviser on the Prevention of Genocide would be a fruitful primary step.

In conclusion, the Republic of Korea would like to express its unwavering commitment to R2P. The sole purpose of R2P is to save populations from the most heinous crimes by placing emphasis on the primary responsibility of States and the complementary and collective responsibility of the international community. It is our sincere hope that the General Assembly will take concrete steps at its sixty-third session to put that norm into operation, to redress never-again collective failures and to save human lives.

The Secretary-General's recommendation for the General Assembly — in particular continuing the deliberative role of the General Assembly, conducting periodic reviews of implementation by Member States, and submitting reports of the Secretary-General on implementation steps — will be a solid basis for the possible outcome of the current session of the General Assembly. We must collectively take that critical leap forward to make the future more secure for vulnerable populations around the world while striving to avoid the costly error of stumbling backwards to past blunders.

Mr. Quinlan (Australia): I would like to thank the President for convening this historic debate on the Secretary-General's report (A/63/677) on how to operationalize and implement the responsibility to protect (R2P). This is not a debate about the now-discredited notion of humanitarian intervention. Rather, it is a discussion about protection — the protection of all our peoples against mass-atrocity crimes.

In 2005, as we know, all the world's leaders declared with one voice that the international community should never again countenance indifference in the face of mass-atrocity crimes. All our leaders also agreed the means through which the international community would prevent and address those crimes, setting out in paragraphs 138 and 139 of the World Summit Outcome (resolution 60/1) an agreed

understanding of the responsibility to protect. As the Secretary-General said to us the other day while introducing his report, this is a universal and irrevocable commitment. Our task now is not to reinterpret, reconceptualize or renegotiate that agreement. Our task is, simply and difficultly, to implement it. That is why Australia welcomes the Secretary-General's report. The report reminds us of what was agreed by all our leaders in 2005 and provides us with some considered and important ideas on how to translate that principle into practice.

We strongly support the Secretary-General's articulation of R2P as resting on three pillars, the size, strength and viability of which are equal. We also strongly support the Secretary-General's characterization of R2P as being narrow but deep. It is narrow in the sense that it is focused on the prevention of four crimes — genocide, war crimes, ethnic cleansing and crimes against humanity. It is not a panacea for all humanitarian tragedies or for all human rights violations. It is deep in that it needs to employ the wide array of prevention and protection instruments available to all Member States, the United Nations system and regional and subregional organizations, which are vital in this process, to assist States in meeting their primary responsibility to protect their populations.

The Secretary-General's report highlights the diversity of tools in the R2P toolkit, including diplomacy, targeted development assistance programmes, United Nations peacekeeping, international justice mechanisms, sanctions and, only of course as an instrument of last resort, the use of force. Which tool to use in any particular situation will clearly depend on the precise circumstances. The essential operating principle, however, must be that we do respond. Indifference, inaction and delay are not options.

Australia looks forward to working with the Secretary-General and with all Member States in the further development of the full range of tools for operationalizing R2P. Like many countries, we ourselves have already been active in assisting States to fulfil their responsibility, so we are not trespassing into virgin territory. Through our development assistance programme, we focus on assisting States to increase their capabilities for conflict prevention, peacebuilding and respect for the rule of law. As the Secretary-General notes, it is those kinds of programmes, and many others, which reduce the likelihood that those societies will travel the path to crimes that relate to the responsibility to protect.

In Timor-Leste, to take one example, we are strengthening civil society institutions and promoting human rights to help with reconciliation and peacebuilding after a period of difficult conflict. Consistent with the call in the Secretary-General's report, we are also developing a deployable civilian capacity to enable us to more effectively respond to emergencies in our region.

R2P is the expression of our irrevocable collective commitment to ensure that never again are we confronted with the horrors of another Rwanda, Srebrenica, Cambodia or the Holocaust. We know them all. We know too much of the list.

As we know, no region of the world is immune to mass-atrocity crimes. We must continue our efforts to overcome the gaps in will, imagination and capacity to implement this vital principle and to ensure that we prevent future atrocities and never again fail our own peoples.

Mr. Wenaweser (Liechtenstein): We welcome this opportunity to discuss the responsibility to protect (R2P) and the excellent report of the Secretary-General (A/63/677). We would like to express our appreciation to the Secretary-General and his Special Adviser, Edward Luck, for their commitment to and outstanding work on this topic.

We believe that the three-pillar approach set out in the report is helpful for the purposes of illustrating the different dimensions of the concept, and we also subscribe to the notion that all three are integral parts of that concept. The agreement on R2P was one of the most important achievements of the 2005 World Summit, one of the largest gatherings in the history of this Organization, and we embrace this occasion to reaffirm the concept, as provided for by paragraphs 138 and 139 of the Outcome Document (resolution 60/1), to promote its understanding and to operationalize it.

The concept of R2P is based on the notion of sovereignty as responsibility. The principle of sovereign equality of Member States, as enshrined in the United Nations Charter, is of essential importance to our membership in this Organization. Indeed, we consider the Charter to be the key guarantor of our

national sovereignty. We also understand that sovereignty comes with responsibilities, both vis-à-vis the other Members of the United Nations and certainly vis-à-vis our own population. This is the foundation of the concept of R2P. Sovereignty and responsibility go hand in hand.

First and foremost, R2P is a matter of national responsibility. In this context, it is worth pointing out that, of course, States have obligations vis-à-vis their own populations that go far beyond the very small area covered by R2P. In particular, they have a legal obligation to promote and protect the human rights of all individuals effectively under their jurisdiction, both under customary international law, particularly as reflected in the Universal Declaration of Human Rights, and under relevant treaty law.

States are also obliged to observe international humanitarian law as a matter of both customary and treaty law. Furthermore, States already have a legal obligation to prevent genocide under the 1948 genocide Convention. These legal obligations precede the concept of R2P and can be neither amplified nor undermined by this debate. At the same time, their fulfilment is certainly an indispensable element of the implementation of R2P in practice.

The report rightly places a strong emphasis on the national level and the responsibility of States themselves. It also underlines that the only effective protection from the crimes covered in the R2P concept is their prevention. The novel dimension of this concept is the strengthened role of the international community in ensuring its application. The failures of the past, in particular those in Rwanda and Srebrenica, are the very source of the R2P debate.

This international dimension relates to both the second and third pillars outlined in the report. The second pillar contains a strong preventive dimension, in the concept of assisting States in fulfilling their responsibility to protect their populations and in its focus on capacity-building. Lastly, the third pillar deals with situations where a State manifestly fails in its responsibility, due to unwillingness rather than inability.

The Outcome Document and the Secretary-General's report make two things abundantly clear in this respect. First, peaceful means, in accordance with Chapters VI and VIII of the United Nations Charter, are to be given precedence over other forms of collective action. Secondly, if other types of action are to be considered, they have to be undertaken in accordance with Chapter VII of the Charter and thus authorized by the Security Council, as the ultimate arbiter of all matters relating to international peace and security. This third pillar therefore clearly excludes from the application of R2P any form of unilateral action taken in contravention of the Charter. It was against this background that the High-Level Panel, in preparing its report to the Secretary-General in preparation for the 2005 World Summit, suggested an agreement that there be no use of the veto in cases involving the responsibility to protect. The group of five small nations, of which we are a proud member, has consistently adopted this measure as part of our proposals on the working methods of the Security Council since 2006.

Extensive debates have taken place on R2P since the 2005 Summit. In considering the way forward, we have to pause and remind ourselves what the R2P concept is — and what it is not — and where the added value lies. Given that the concept was agreed on at the summit level, it is unquestionably a political commitment of the highest order and must be treated as such.

The Secretary-General has assisted us greatly by submitting a report that follows the letter and spirit of the Outcome Document very faithfully and points to concrete measures we should take in our intergovernmental work on R2P. It is now up to us, the Member States, to act and to apply the concept in practice, in strict conformity with the language of the Outcome Document. This shift of focus should also be reflected in our consideration of a possible outcome of this debate. More than anything, we must now look for concrete ways to apply the concept in practice and to consider institutional questions, such as the interplay between the work of the Special Adviser on R2P and the Special Adviser on the Prevention of Genocide.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): I have the honour to speak on behalf of the delegations of Denmark and my own country, Costa Rica. We would like to begin by thanking the President for convening this meeting and expressing our appreciation of the discussion that took place this morning.

Costa Rica and Denmark welcome the report of the Secretary-General (A/63/677). We reaffirm our

strong support for the flexible three-pillar strategy, as well as for the recommendations on each of the pillars and the way forward. We agree with the Secretary-General that all three pillars are equally important, and that the responsibility to protect is a narrow but deep concept that calls for the application of a broad range of existing approaches and instruments.

We likewise reiterate our commitment to the agreement enshrined in the 2005 World Summit Outcome (resolution 60/1), which has also been reaffirmed by several Security Council resolutions, such as 1674 (2006), 1706 (2006) and 1755 (2007).

The commitment to preventing mass atrocities has also been developed at the regional level. For the African Union, a pioneer in the development of that concept, the responsibility to protect is based on the principle of non-indifference to mass crimes against humanity. That is the unavoidable duty that all States and the international community must abide by.

This debate is an opportunity to progress in the task of operationalizing the concept of the responsibility to protect and to affirm our commitment to responsible sovereignty. That concept undoubtedly represents a paradigm shift and an evolution of the notion of sovereignty, and reaffirms that respect for the life and dignity of the human being is the basis of human rights and a timeless and irrevocable value. The responsibility to protect must be a fundamental guarantee for the safety of persons beyond the security of States, especially in the light of possible abuse by Governments that threaten the life and integrity of its citizens.

The responsibility to protect is not limitless. The legitimacy of that concept is clearly restricted to the four criteria outlined in the 2005 World Summit Outcome (A/60/1). It entails the consistent application of and adherence to the rules and principles of international law on which it is based. Costa Rica and Denmark believe that abuse, double standards, selectivity, arbitrariness and improper use for political ends must be avoided.

The strengthening of the first pillar on the enduring responsibility of the State to protect its populations requires steps at the national level, such as the strengthening of democratic institutions, the rule of law, access to independent justice, security sector reform, freedom of expression, dialogue, social cohesion and political participation, among others.

As the Secretary-General's report highlights, it is urgent to continue fighting intolerance, exclusion, racial hatred and discrimination. Those warning signs must never again be ignored or underestimated. States must be more effective in promoting and protecting human rights, including respect for the rights of minorities, and respond rapidly to reduce tensions and prevent widespread violence. Similarly, the lawful peaceful settlement of disputes is particularly important, and national justice must act effectively against those who commit or incite to commit crimes under the criteria of the responsibility to protect.

With regard to the second pillar on international assistance and capacity-building, we believe that technical assistance on security sector reform and the rule of law are key areas in strengthening the ability of States to protect. Donors and partners should increase their international cooperation and funding to improve police and civil services, which are vital to restoring order and trust in times of crisis. Furthermore, capacity-building must ensure access to justice and improve judicial services, as well as provide training to national authorities to deal with cases under the responsibility to protect and to assist victims. Here, international mechanisms of justice, such as the International Criminal Court, play an important role.

The concept of the responsibility to protect involves a process that includes not only prevention and response to violence, but also subsequent reconstruction to prevent conflicts from reoccurring. As the Secretary-General's report clearly states, "The surest predictor of genocide is past genocide" (*A/63/677, para. 48*). The provision of assistance in the context of the responsibility to protect has a critical impact on peacebuilding. In that regard, the role of the Peacebuilding Commission should be strengthened.

It is also important that international cooperation reduce the risk of mass violations of human rights. Costa Rica has stressed the importance of incorporating ethical criteria into development cooperation. Denmark, as a donor, will continue to provide assistance to capacity-building efforts, both in the legal sector and in the area of human rights, which are relevant to strengthening national institutions.

Our countries agree with the Secretary-General's report with regard to the responsibility of the States Members of the Organization to act collectively and in a timely and decisive manner when it is evident that a

State is not providing protection. The range of options that the Secretary-General presents to us is broad and in no way limited to coercive actions or application exclusively by the Security Council. The responsibility to protect prioritizes, first and foremost, prevention and assistance, peaceful means over the use of force, and the establishment of appropriate conditions if the use of force should become necessary as a last resort when other options have been exhausted.

We recognize the importance and complementarity of the various United Nations actors and bodies in implementing the third pillar. In that regard, we support interaction among the Security Council, the General Assembly and the Secretariat, as well as exchanges among those bodies and regional and subregional organizations. Those organizations play a key role in preventing or resolving conflict situations or in avoiding that they result in crimes under the criteria of the responsibility to protect. In that sense, mediation, dialogue and preventive diplomacy are essential both at the regional and at the international levels. It is crucial to deploy a timely and decisive response to prevent such crimes from being committed. Early warning and assessment mechanisms are critical to improving the rapid response capacity of the Organization.

With regard to the use of force, far from authorizing unilateral interventions, the responsibility to protect seeks to expand the multilateral options and to improve the Security Council's performance. That body has great deterrent potential and can apply other binding punitive measures besides military action. Some crimes that meet the criteria of the responsibility to protect also constitute threats to international peace and security, and the Security Council should therefore make use of all the tools at its disposal, including in situations that are not formally on its agenda.

Systematic violations of human rights constitute a threat to peace and security that deserves the special attention of the Security Council. No country or group of countries should be allowed to interfere in or hamper decisions that merit the implementation of the responsibility to protect, including by veto. In that regard, we support the Secretary-General's appeal to the permanent members of the Council to refrain from using the veto in situations where it is evident that there is manifest failure to meet obligations under the responsibility to protect.

Costa Rica and Denmark came here to follow up on the concrete implementation of the commitments agreed at the highest level in 2005. We are committed to international efforts to prevent the recurrence of the crimes of the past. Promoting the responsibility to protect must be a common objective that transcends geographical borders, levels of development and political, religious or ideological barriers.

In the words of a distinguished Scandinavian, the late Secretary-General Dag Hammarskjöld, the United Nations was created not to take mankind to heaven, but to save humanity from hell. We urge the international community to move forward together to ensure that the responsibility to protect is an increasingly tangible reality, a concept applicable in practice and a lasting hope for the victims of mass atrocities. In order to advance this concept, Denmark and Costa Rica support the Secretary-General's proposal that regular annual or biennial reports be submitted on progress made in the implementation of the responsibility to protect.

Mr. McLay (New Zealand): I am deeply conscious of the fact that the first debate of the General Assembly in which I have the honour to participate on behalf of my country is focused on what the representative of Sweden, speaking on behalf of the European Union, described as the recurring nightmare of mass atrocities. It is hard to imagine an issue more significant or relevant to so many innocent victims or a responsibility more historic. It is why we are here. With that in mind, New Zealand thanks you President d'Escoto Brockmann for facilitating this debate.

As many have already reminded us, in 2005 the entire United Nations membership, including more than 150 world leaders, adopted the World Summit Outcome (resolution 60/1). In that declaration, as a response to our collective failure to prevent genocide and mass atrocity crimes — at a time when, as we were reminded this morning, the world remained silent and stood still — the international community unequivocally agreed on the responsibility to protect (R2P), its scope and its key elements. So the principle of R2P has already been adopted. Given that clear mandate, this debate can be only about the implementation of the responsibility to protect and should be a discussion of the Secretary-General's report (A/63/677), which was derived from the Summit.

Above all, our discussion must be deeply respectful of the millions who have died as a result of genocide and mass atrocities in Rwanda, Srebrenica, Cambodia and so many other places, and in the Holocaust. Those victims stand as silent witnesses to our debate. The moral burden of those tragedies is not just the responsibility of individual States; it is also that of the entire international community.

The concept of the responsibility to protect is not new; it simply gives a name to what we have already done and what we continue to do or what we should be doing. It is firmly based in existing international law, including international human rights and humanitarian law. Activities related to the responsibility to protect are evident in regional instruments, experience and action. As highlighted in the Secretary-General's report, such regions as Africa have taken important steps to establish frameworks for preventing mass atrocities, but the rest of us have not always shared that responsibility.

The present dialogue, which includes both Member States and civil society, will build our understanding of how to implement the responsibility to protect. It is with that in mind that we commend the Secretary-General and his Special Representative, Mr. Ed Luck, for an excellent and balanced report. New Zealand supports the Secretary-General's proposals.

The World Summit agreement on R2P is clearly based on four crimes and three pillars. Its scope is specifically limited to those four crimes and violations. It is clear that all three pillars are equally important; all are part of a whole; all are interdependent. We commend the Secretary-General's report for its emphasis on prevention rather than intervention — on assistance to States before the worst atrocities are allowed to occur.

The responsibility to protect is a common-sense concept. It can help States, regional institutions and the United Nations itself to understand, assist and organize our ongoing response on these issues. It is all about nations working, individually and together, to protect people, and it will be most successful and have the greatest impact when it is a collaborative and inclusive exercise — a vision that is reflected in the proposals set out in the Secretary-General's report.

Pillars one and two focus on helping States to exercise their responsibility to protect their own people and on building their protection capabilities. Multilateral development institutions are well placed to assist with those pillars, and if the United Nations is to improve in this area, its development system needs resources and needs our support.

As to pillar three, we acknowledge concerns that the responsibility to protect might not be applied consistently. However, such issues should not be used as diversions or excuses to stop progress. As the report makes clear, there is also no basis for arguing that the concept might modify Charter provisions prohibiting the use of force.

Although New Zealand supports structural reform of the Security Council, we are concerned by suggestions that such changes are a prior condition for implementing the responsibility to protect. In the context of this debate, there is an issue far more important than structural reform. It is the way in which the Council functions and the need for wide-ranging changes in its practice and working methods, regardless of its size and structure.

We are acutely aware of that because of New Zealand's experience as a member of the Security Council in 1994, when it led the efforts of a small group of States to persuade the Council to deploy additional United Nations forces to Rwanda. The problem in April and May 1994 was not one of powerful States eager to intervene; it was exactly the opposite. Some permanent members resisted even recognizing that genocide was occurring and ultimately blocked any deployment of additional United Nations personnel.

So the present task for the General Assembly is to challenge the Security Council — however it might be constituted — to fulfil its role both consistently and courageously. To that end, New Zealand believes that we should all support the Secretary-General's call for restraint in exercising or threatening the veto. If we value the legacy that we are to leave to our children and grandchildren, we should never let it be said by them that the veto prevented action to deal with genocide, ethnic cleansing, widespread crimes against humanity or war crimes.

This is not a question of whether we are ready for R2P; we agreed on that at the World Summit, and no one now argues against protecting peoples from genocide and mass atrocities. It is only a question of the next necessary steps, and we stand ready to take

those steps. The United Nations must continue its work on the responsibility to protect, as mandated by the Summit, and enhance its capacity to assist in such implementation. Early warning, assistance and protection are key to credible implementation of the concept.

Likewise, New Zealand supports the idea of a biennial report of the Secretary-General regarding implementation. Other areas requiring attention include how the United Nations might assist States and regional institutions in their implementation of the concept. New Zealand hopes that, in the future, it will be possible to approve more resources for early warning and assessment, and for rapid reaction — an aspect to which we must remain committed but which still requires much work.

In 1945, we the peoples of the United Nations, mindful of the events of preceding years, solemnly agreed on the great collective responsibility of preventing genocide and mass atrocities. New Zealand has contributed in good faith to many efforts consistent with the responsibility to protect, both within our region and beyond, and will continue to strongly support all endeavours that further implement that responsibility.

It is a commitment so much necessitated by history; a commitment so clearly underpinned by the United Nations Charter and international law; a commitment so unequivocally mandated by world leaders in 2005; and a commitment we can now honour by taking the next steps proposed by the Secretary-General.

Mr. De Klerk (Netherlands): At the outset, allow me to state that my delegation aligns itself with the statement made by the representative of Sweden on behalf of the European Union and that my remarks should be seen as complementary.

The topic of our debate today touches on the core of what the United Nations is all about — a collective world institution inspired to take action when faced with mass conflict and suffering; a world body, aiming to foster the international community's efforts to bring peace and prosperity across the globe.

There have been a few landmark occasions in the existence of the United Nations when Member States have transcended their differences to underline what they collectively share and to set out a common agenda. The World Summit of heads of State and Government that took place in 2005 — the largest of its kind — was such an occasion. It consolidated a consensus that, in the true spirit of the Organization's founding fathers, laid down our shared moral responsibility to prevent the occurrence of conscience-shocking mass atrocities: genocide, war crimes, ethnic cleansing and crimes against humanity. Our Heads of State and Government have thus laid out before us an agenda that forces us to look towards the future and, in the words of the Secretary-General, to ready ourselves for the moment when we will be tested by horrors similar to those that have occurred in the past.

Our task is to translate our moral commitment into political and operational readiness. This is not a legal discussion, nor should it be. The responsibility to protect is firmly anchored in the provisions, purposes and principles of the Charter of the United Nations. Rather, our discussion must be one that centres on translating our commitment into reality. To that end, it will need to focus on practical and effective mechanisms that can help States live up to their individual responsibilities, that can help us all assist such States where necessary, and that can ensure that our collective response is timely and decisive when all else fails.

The Netherlands very much welcomes the report presented by the Secretary-General (A/63/677) as a well-calibrated and focused analysis, including a series of proposals that merit our consideration and follow-up. Indeed, its focus on four types of crimes and violations and its identification of three parallel pillars present a solid basis for operationalizing the responsibility to protect. We must build on this report, and my delegation looks forward to further proposals for putting into place and strengthening the mechanisms needed, notably — but not only — an increase in the United Nations early warning capacity, which includes a Special Adviser on the Prevention of Genocide.

The Netherlands firmly believes that the approach taken in the Secretary-General's report is the right one. The three pillars that have been identified should be treated as integral parts of the concept of the responsibility to protect. It is their sum that makes the whole greater than its parts. It becomes a concept that can truly make a difference in our collective response to conscience-shocking situations, potential and actual, that may occur.

At the same time, however, we should not read more into this concept than was intended in 2005. It is fundamentally about national obligations under the rule of law and it complements state sovereignty rather than undermining it. It is anchored in the United Nations Charter and based on international humanitarian and human rights law. It focuses on four types of crimes; and it suggests a response tailored to each situation, focused on saving lives.

It is worth stressing this last point. The effectiveness of implementing our responsibility to protect depends on the range of mechanisms that the Secretary-General has suggested be put in place. It falls to us, Member States, together with the Secretariat, to ensure that this is done. The Netherlands calls on the General Assembly to welcome the report and to remain engaged on this agenda, enabling the Secretary-General to continue his essential role. In this respect, my delegation supports what was said by the Permanent Representative of Guatemala.

At the same time, we need to acknowledge current limitations in dealing with each specific situation. As some have noted, in the past the Security Council has not always been able to respond to critical situations, due to a lack of consensus. This may recur in the future, and we will need to continue our efforts to overcome the kind of paralysis that at times has haunted the world community.

Nonetheless, the endorsement of the responsibility to protect does represent a major step forward. It increases pressure on the Security Council to optimize its functioning and, in fact, it has already led to a discussion about restraining the use of the veto in responsibility-to-protect-type situations. However, if appropriate action is taken by the wide range of actors mentioned in the Secretary-General's report, action by the Security Council should not even be necessary. This is the yardstick by which success or failure of the responsibility to protect, and our commitment to it, must be measured.

Our responsibility to protect points towards the future and is a recognition that we have learned from history. Historic wrongs and past inactions cannot be undone and never will be. We bear collective responsibility for inaction at critical moments in the past. This must strengthen our resolve to put in place what is needed for us to live up to our responsibility to protect. This is what must shape our future actions. Let us focus on the task at hand.

Mr. Terzi di Sant'Agata (Italy): Italy aligns itself with the statement delivered earlier by the representative of Sweden on behalf of the European Union. I warmly welcome the Secretary-General's report (A/63/677) on implementing the responsibility to protect (R2P), and in particular commend the balanced and insightful work of his Special Adviser, Mr. Edward Luck. Today's debate on the report is a timely opportunity to build on the consensus achieved at the 2005 World Summit and focus on the concrete implementation of R2P.

The unanimous affirmation by our heads of State and Government of the principle of the responsibility to protect is a cardinal achievement of the United Nations and one of the most innovative concepts to emerge in recent years.

Europeans are particularly sensitive to this principle. The memory is still fresh of the atrocities perpetrated in the 1990s in the western Balkans — which are a part of Europe culturally, historically and politically — as well as in the Great Lakes region of Africa. The Swedish presidency of the European Union, along with other speakers, rightly referred to the genocide in Rwanda and to the massacre in Srebrenica.

I would like to structure my comments around the three-pillar strategy that the Secretary-General has outlined to advance the agenda mandated by the 2005 Outcome Document (resolution 60/1). Pillar one focuses on the protection responsibilities of States. R2P fleshes out a notion of sovereignty that entails special responsibilities based on the pre-existing and continuing legal obligations of States. Governments must protect their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Prevention begins at home through the promotion of human rights, the rule of law and democratic governance. These are universal principles shared by the international community today.

We thus welcome a number of the points elaborated by the Secretary-General, from the role of the Human Rights Council in advancing R2P goals to the call for additional States to become parties to the Rome Statute of the International Criminal Court. The link between accountability and prevention is clear; the purpose of international criminal justice is to bring to

justice the perpetrators of international crimes. Preventing such crimes is at the core of R2P.

We also encourage the promotion of best practices, such as the standards recalled in the African Peer Review Mechanism and those established for eligibility to membership of the European Union. Fostering individual responsibility is another key aspect of prevention. My Government supports the Network of Young People Affected by War, which is dedicated to helping former child soldiers from around the world reintegrate into society, improve their lives and tell their stories in order to prevent others from falling into the same trap.

Pillar two examines international assistance and capacity-building in terms of the international community's commitment to helping States protect their people. This commitment means availing ourselves of all bilateral, regional and multilateral instruments.

This crucial task involves the entire United Nations system. I would like to highlight, in particular, the Security Council's inclusion of civilian protection clauses in the mandates of peacekeeping operations, as well as the Council's role in post-conflict institution consolidation. In this regard, we reiterate our strong interest in exploring the establishment of a rule of law standing capacity on the model of the Standing Police Capacity. Along those lines, we believe that development programmes, security sector reform and post-conflict peacebuilding mechanisms should complement the activities of States in crisis situations.

Building the capacities of regional organizations is a fundamental part of implementing the responsibility to protect. Very appropriately, the Secretary-General's report underlines the relevance of Chapter VIII of the United Nations Charter as one of the main legal frameworks for operationalizing R2P. In 2007, my Government launched the Italian African Peace Facility, whose purpose is to strengthen the institutional, operational and logistical capabilities of the African Union to prevent, mediate and resolve conflicts.

Pillar three is the responsibility of Member States to respond collectively, in a timely and decisive manner, when a State manifestly fails to provide protection to its own population. Allow me to restate that the responsibility to protect should not be perceived in a confrontational manner; it should be seen instead as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the World Summit Outcome Document are met.

Among the broad range of tools available, including peaceful measures under Chapter VI, VII and VIII of the Charter, we would like to focus on one suggestion of the Secretary-General. Recognizing the special responsibilities of the five permanent members of the Security Council, the Secretary-General urges them to refrain from employing or threatening to employ the veto in situations of manifest failure to meet obligations relating to the responsibility to protect and to reach a mutual understanding to that effect. Important voices of civil society and academia from the permanent members have raised similar instances. This is a very delicate issue driven by the concerns and expectations of international public opinion, and Italy believes that the debate must continue.

Today's discussion shows that the United Nations can give hope to populations at risk of being victimized by international crimes that totalitarian regimes commit or foment against their own citizens. We are not here to debate philosophical, religious or ideological approaches; we are here to give concrete and credible answers that go well beyond the Westphalian model. Human dignity has greatly advanced since the Second World War thanks to the adoption of the United Nations Charter and the efforts of Member States.

The meeting rose at 6.15 p.m.